

WSR 10-13-001
PREPROPOSAL STATEMENT OF INQUIRY
PARKS AND RECREATION
COMMISSION

[Filed June 2, 2010, 12:37 p.m.]

Subject of Possible Rule Making: The agency will conduct a review of chapter 352-32 WAC, Public use of state park areas and chapter 352-37 WAC, Ocean beaches.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 79A.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State parks will conduct an annual review of the WACs pertaining to public use of state park areas and ocean beaches. This review will be conducted to consider the need for each of the following: Changes to accommodate recent legislation, addition of new definitions, providing clarification and modifications to various rules including residency requirements for pass holders, expulsion of disruptive park visitors, eliminating reciprocity with other states in regard to sno-park permit fees, changing nontraffic violations to traffic violations and make changes to length of stay for recreational camping. The review may also result in minor changes and corrections to rules in order to bring rules up-to-date with current terminology, correction of references to statutes contained in the rules and completion of a general review for clarification, corrections and modifications.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Pamela McConkey, Washington State Parks, P.O. Box 42650, Olympia, WA 98504-2650, phone (360) 902-8595, fax (360) 586-6651, e-mail pamela.mcconkey@parks.wa.gov.

June 2, 2010
 J. M. French, Chief
 Policy Research and
 Program Development

WSR 10-13-007
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed June 3, 2010, 12:30 p.m.]

Subject of Possible Rule Making: WAC 392-190-005.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 3026 an act relating to school districts' compliance with state and federal civil rights laws; adding a new chapter to Title 28A RCW; and creating a new section.

- RCW 28A.640.020.
- Chapter 392-168 WAC.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Section 3 of 2ESB [E2SHB] 3026 and chapter 28A.640 RCW require the superintendent

of public instruction (OSPI) to develop rules and guidelines to eliminate prohibited discrimination as applied to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OSPI's office of equity and civil rights is already working in close partnership with the United States Department of Education – Office of Civil Rights and the Washington state human rights commission.

Process for Developing New Rule: Input-informed Rule making—Organizations, associations, committees and sub-committees, as well as key constituents, stakeholders, and public citizens will have opportunities to review and provide input through open public meetings, mailings, and e-mails posted to the OSPI rules comment web site. Public meetings will be held in eastern and western Washington to ensure maximum opportunity for public input into the rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John-Paul Chaisson-Cardenas, phone (360) 725-6165, fax (360) 664-2967, TTY (360) 664-3631, j.cardenas@k12.wa.us, <http://www.k12.wa.us/Equity/default.aspx>.

June 3, 2010

Randy Dorn

Superintendent of
 Public Instruction

WSR 10-13-008
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR CONTROL BOARD

[Filed June 3, 2010, 12:39 p.m.]

Subject of Possible Rule Making: Chapter 314-36 WAC, Liquor importers, public storage warehouses and importation of liquor.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the liquor control board's on-going rules review process, chapter 314-45 [314-36] WAC is being reviewed for relevance, clarity, and accuracy.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordi-

nator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

June 3, 2010
Sharon Foster
Chairman

nator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

June 3, 2010
Sharon Foster
Chairman

WSR 10-13-009

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed June 3, 2010, 12:39 p.m.]

Subject of Possible Rule Making: Chapter 314-44 WAC, Licensed agents.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the liquor control board's on-going rules view process, chapter 314-44 WAC is being reviewed for relevance, clarity, and accuracy.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689, e-mail rules@liq.wa.gov.

June 3, 2010
Sharon Foster
Chairman

WSR 10-13-010

PREPROPOSAL STATEMENT OF INQUIRY LIQUOR CONTROL BOARD

[Filed June 3, 2010, 12:39 p.m.]

Subject of Possible Rule Making: Chapter 314-45 WAC, Serving and donating of liquor by suppliers at trade conventions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the liquor control board's on-going rules review process, chapter 314-45 WAC is being reviewed for relevance, clarity, and accuracy.

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordi-

WSR 10-13-017

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 4, 2010, 10:09 a.m.]

Subject of Possible Rule Making: WAC 392-140-950 through 392-140-967, Finance—Special allocations—Learning improvement days.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This amendment reduces the number of state-funded learning improvement days from one to zero for the 2010-11 school year, pursuant to section 503(7) of the 2010-11 State Operating Supplemental Appropriations Act, ESSB 6444. Furthermore, it limits the state funding of learning improvement days to the number of days provided for in the State Biennial Operating Appropriations Act.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ross Bunda, (360) 725-6308, Ross.bunda@k12.wa.us.

June 4, 2010
Randy Dorn
Superintendent of
Public Instruction

WSR 10-13-023

PREPROPOSAL STATEMENT OF INQUIRY OLYMPIC COLLEGE

[Filed June 4, 2010, 4:10 p.m.]

Subject of Possible Rule Making: Distribution of printed material on campus (student conduct code).

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28B50 [28B.50] RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Newly proposed policy supercedes this portion of this policy. The existing language conflicts with the new policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Review by president's cabinet and the board of trustees.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Thomas Oliver, Olympic College, Rules Coordinator, (360) 475-7502 or toliver@olympic.edu, to provide comments on this rule.

June 4, 2010
Thomas Oliver
Rules Coordinator

lication by contacting Lori Anderson, Communications and Training Officer, Washington State Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, (360) 664-2737, 1-877-601-22828 [1-877-601-2828] (toll-free in Washington state), e-mail lori.anderson@pdc.wa.gov.

June 8, 2010
Lori Anderson
Communications and
Training Officer

WSR 10-13-033
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE
[Filed June 7, 2010, 10:26 a.m.]

The Washington department of fish and wildlife is withdrawing the CR-101 filed as WSR 10-06-039 on February 23, 2010. The department anticipates filing a new CR-101 for HPA rules sometime in late 2010 or 2011.

Lori Preuss
Rules Coordinator

WSR 10-13-049
PREPROPOSAL STATEMENT OF INQUIRY
PUBLIC DISCLOSURE COMMISSION
[Filed June 9, 2010, 10:28 a.m.]

Subject of Possible Rule Making: Title 390 WAC, rules relating to affiliated entities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The public disclosure commission (PDC) will consider possible amendments to WAC 390-16-309 to clarify how contribution limits are applied and ensure that contribution limits set out in RCW 42.17.640 and 42.17.645 are applied consistently.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: At its meeting on June 24, 2010, the commission is expected to discuss and possibly approve draft language for the above-referenced rule. Public comment will be welcome at this meeting. Interested persons are invited to submit written comments by June 22, 2010, to PDC staff member Lori Anderson, P.O. Box 40908, Olympia, WA 98504-0908. Written comments received by June 16, 2010, will be provided to commission members in advance of the meeting. A formal public hearing is expected to occur in conjunction with the commission's September meeting.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before pub-

WSR 10-13-061
PREPROPOSAL STATEMENT OF INQUIRY
HORSE RACING COMMISSION

[Filed June 10, 2010, 1:35 p.m.]

Subject of Possible Rule Making: WAC 260-40-065 Multiple entries and 260-60-300 Who may claim.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.16.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Washington horse racing commission is contemplating allowing trainers to enter up to three horses in an overnight race to attempt to increase field size.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Douglas L. Moore, Deputy Executive Secretary, Washington Horse Racing Commission, 6326 Martin Way, Suite 209, Olympia, WA 98516-5578, phone (360) 459-6462, fax (360) 459-6461, doug.moore@whrc.state.wa.us.

June 10, 2010
Douglas L. Moore
Deputy Executive Secretary

WSR 10-13-067
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE

[Filed June 11, 2010, 3:40 p.m.]

Subject of Possible Rule Making: Food assistance programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 68, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The 2010 legislature passed chapter 68, Laws of 2010, which transfers the food assistance programs from the department of general administration and the department of commerce to the Washington state department of agriculture (WSDA). The new law indicates that the department may adopt rules necessary to implement the food

assistance programs. At this time, it is the department's intent to reflect the change in jurisdiction to WSDA by updating and transferring the existing language of chapter 365-140 WAC to a new chapter under Title 16 WAC.

Process for Developing New Rule: As changes are housekeeping in nature, WSDA staff will develop the rule proposal. Interested parties can participate in the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ken Harden, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1932, fax (360) 902-2092.

June 11, 2010
Kenneth R. Harden
Assistant Director

WSR 10-13-069

PREPROPOSAL STATEMENT OF INQUIRY WASHINGTON STATE LOTTERY

[Filed June 14, 2010, 9:58 a.m.]

Subject of Possible Rule Making: The lottery commission is considering updates to Title 315 WAC as they apply to the licensing of lottery retailers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 67.70.040(1) and 67.70.050 (1), (8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The director of the lottery will be conducting a feasibility study/pilot program to investigate potential new lottery retailer licensing models. This is in an effort to identify potential new business outlets for the selling of lottery tickets in order for the lottery to remain competitive in an evolving business climate. In the course of the feasibility study, WACs related to lottery retailer license duties may be waived.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jana Jones, Director of Legal Services, P.O. Box 43000, Olympia, WA 98504-3000, phone (360) 664-4833; or Jennifer McDaniel, legal assistant, phone (360) 664-4834.

June 14, 2010
Jana L. Jones
Director of Legal Services

WSR 10-13-070

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 14, 2010, 10:46 a.m.]

Subject of Possible Rule Making: The department is considering adopting rules to support chapter 90.64 RCW, the Dairy Nutrient Management Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 90.64.110, the Dairy Nutrient Management Act and chapter 34.05 RCW, the Administrative Procedure Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Establish in rule the process used by this program to determine when environmental penalties are issued for both discharge to waters of the state and lack of record keeping as required by a dairy operator's nutrient management plan and how the size of the penalty will be calculated.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state department of agriculture (WSDA) will provide drafts to the federal Environmental Protection Agency (EPA) and state department of ecology (ecology) for their review and comments. WSDA will communicate with EPA and ecology throughout the rule-making process.

Process for Developing New Rule: Department staff will discuss the proposed rule with affected stakeholders during the development process. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Virginia "Ginny" Prest, Lead Inspector, Dairy Nutrient Management Program, Food Safety and Consumer Services, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, fax (360) 902-2000, e-mail vprest@agr.wa.gov.

June 14, 2010
Jerry Buendel
Assistant Director

WSR 10-13-071

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF EARLY LEARNING

[Filed June 14, 2010, 1:28 p.m.]

Subject of Possible Rule Making: Amending WAC 170-151-070 How do I apply or reapply for a license? and 170-295-0060 What are the requirements for applying for a license to operate a child care center?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.215.255, chapter 43.215 RCW, and chapter 37, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under section 614(14), chapter 37, Laws of 2010 (ESSB 6444), the department of early learning (DEL) "is authorized to increase child care center licensure fees by fifty-two dollars for the first twelve children and an additional four dollars per additional child in fiscal year 2011 ..." DEL is amending child care center and school age center rules to implement this fee increase. RCW 43.215.255 authorizes DEL to charge fees for obtaining a child care license, and requires that the fee be in rule. DEL has filed emergency rules to make the fee increases effective July 1, 2010. The department is planning to adopt the fee increase as a regular rule.

The state legislature adopted the child care center license fee increase among several revenue generating measures to help offset a projected \$2.8 billion budget shortfall in fiscal year 2011 that begins July 1, 2010, and to help offset anticipated budget shortfalls in future fiscal years. License fees collected [by] DEL are deposited to the state general fund and are not retained by the department.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other state or federal agencies set child care licensing fees in Washington state.

Process for Developing New Rule: To the extent practicable, DEL will solicit public input on draft rules. When a formal proposed rule is filed, DEL will hold a public hearing or hearings, and take written input on the rule before adopting the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To join an e-mail or postal mail list to get information or materials about this rule: E-mail Rules@del.wa.gov, phone (360) 725-4397, or write to DEL Rules Coordinator, Department of Early Learning, P.O. Box 40970, Olympia, WA 98504-0970.

June 14, 2010
Andy Fernando
Rules Coordinator

WSR 10-13-085
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed June 15, 2010, 3:49 p.m.]

Subject of Possible Rule Making: Commercial fishing rules in Puget Sound, including chapter 220-48 WAC, Puget Sound—Fish other than salmon; chapter 220-49 WAC, Puget Sound commercial forage fish; and WAC 220-52-051 Shrimp fishery—Puget Sound.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.12.045, and 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule changes are needed to provide increased conservation of rockfish in Puget Sound. The department will complete a Puget Sound rockfish conservation plan this summer, and it needs rule changes to

implement the plan. In April 2010, the National Marine Fisheries Service (NMFS) declared that three species of rockfish warrant protection under the federal Endangered Species Act (ESA). This requires Washington department of fish and wildlife (WDFW) to review and possibly change commercial fishing regulations in Puget Sound. The intent of these proposed rule changes is to rebuild populations of rockfish in Puget Sound.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The NMFS applies the provisions of the ESA to listed rockfish species. State and federal agencies are developing conservation plans to recover rockfish. NMFS will develop standards for allowable take of listed rockfish by commercial fisheries. WDFW is preparing an application for an incidental take permit that includes a "fisheries conservation plan." NMFS will use the application and plan to evaluate the risk posed by commercial fishing to the listed rockfish. Regulation changes will be required to implement the provisions of the incidental take permit.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.Preuss@dfw.wa.gov. Contact by August 2, 2010. Expected proposal filing date is August 18, 2010.

June 15, 2010
Lori Preuss
Rules Coordinator

WSR 10-13-094
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Medical Quality Assurance Commission)

[Filed June 16, 2010, 5:10 a.m.]

Subject of Possible Rule Making: Chapter 246-919 WAC (physicians) and chapter 246-918 WAC (physician assistants). The medical quality assurance commission (MQAC) is considering amending chapter 246-919 WAC to repeal existing pain management sections, and to adopt new section(s) in chapters 246-919 and 246-918 WAC for management of chronic, noncancer pain.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Amending chapter 18.71 RCW (physicians) and chapter 18.71A RCW (physician assistants).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2876 (chapter 209, Laws of 2010) directs the MQAC to repeal existing pain management sections, and adopt new section(s) for management of chronic, noncancer pain. The rules must include dosing criteria, guidance on when to seek consultations with pain management specialists, tracking clinical progress, and tracking the use of opioids.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None known.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Julie Kitten, Program Manager, Department of Health, Medical Quality Assurance Commission, P.O. Box 47866, Olympia, WA 98504-7866, phone (360) 236-2757. Stakeholders will be notified and invited to participate in open public workshops and may submit written comments for consideration. Stakeholders will be notified through profession and pain management listserv mailings, commission meetings, pain management workgroup meetings, and postings to web sites.

June 16, 2010
Julie Kitten
Program Manager

WSR 10-13-095

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Veterinary Board of Governors)

[Filed June 16, 2010, 5:11 a.m.]

Subject of Possible Rule Making: WAC 246-933-460 Courses approved by the veterinary board, amending the list of approved organizations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.92.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The veterinary board of governors received a petition for rule making requesting approval of any continuing education course sponsored by local chapters of the Washington State Veterinary Medical Association (WSVMA), when the speaker is either board certified, or a member of the faculty of an accredited college of veterinary medicine. The veterinary board of governors agreed to consider rule making for approval of courses when presented by a board certified veterinarian or a member of the faculty of an accredited college of veterinary medicine.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Judy Haenke, Program [Manager], P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4947, fax (360) 236-2901, or e-mail judy.haenke@doh.wa.gov. Interested persons can participate in the development of rules by attending stakeholder meetings, providing comments on proposed language which will

be sent to interested persons through listserv and by regular mail.

June 16, 2010
Bart Eggen
Executive Director

WSR 10-13-099

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)

[Filed June 17, 2010, 9:53 a.m.]

Subject of Possible Rule Making: Chapter 246-817 WAC, Pain management, the dental quality assurance commission is amending chapter 246-817 WAC to add new section(s) for management of chronic, noncancer pain.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2876, section 2, chapter 209, Laws of 2010, amending chapter 18.32 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2876, section 2, chapter 209, Laws of 2010, directs the dental quality assurance commission to adopt rules on management of chronic, noncancer pain. The rules must include dosing criteria, guidance on when to seek consultations with pain management specialists, tracking clinical progress, and tracking the use of opioids.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None known.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Santiago, Department of Health, Dental Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4893, fax (360) 236-2901, jennifer.santiago@doh.wa.gov. Interested stakeholders may sign up for the dental commission's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=dental-qac&A=1>, or the pain management's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=WA-PAIN-MGT-PRESCRIBING-RULES&A=1>. All rule-making notices will be e-mailed to the dental commission's and the pain management's interested parties list (listserv).

June 17, 2010
Blake T. Maresh
Executive Director
Dental Quality
Assurance Commission

WSR 10-13-100**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed June 17, 2010, 9:54 a.m.]

Subject of Possible Rule Making: WAC 246-840-XXX Pain management, the nursing care quality assurance commission is adding a new section(s) for management of chronic noncancer pain.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2876, section 7, chapter 209, Laws of 2010, amending chapter 18.79 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2876 (chapter 209, Laws of 2010) directs the nursing care quality assurance commission to adopt rules on chronic, noncancer pain management. The rules must include dosing criteria, guidance on when to seek consultations with pain management specialists, tracking clinical progress and tracking the use of opioids. Pain management is the practice of medically treating people who suffer from pain, including the management of long-term pain. This management often includes the use of opioids. Because of the health risks associated with opioid use, there are several state rules and guidelines for prescribing these drugs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of labor and industries.

Process for Developing New Rule: Collaborative rule making. Public meetings and drafts will be displayed on the nursing commission web site at <http://www.doh.wa.gov/hsqa/Professions/Nursing/RulesInProgress.htm> or interested parties can also use the nursing commission's listserv at www.qac-nursing@listserv.wa.gov or www.listserv.wa.gov.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Deputy Executive Director, Department of Health, Nursing Care Quality Assurance Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4712, terry.west@doh.wa.gov, web site <http://www.doh.wa.gov/hsqa/Professions/Nursing/RulesInProgress.htm>. Stakeholders will be notified and invited to participate in open public workshops and may submit comments for consideration. Stakeholders will be notified through profession and pain management listserv mailings, commission meetings, pain management workshops and meetings, and postings to web sites.

June 17, 2010

Paula R. Meyer, MSN, RN
Executive Director

WSR 10-13-101**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF HEALTH**

(Nursing Care Quality Assurance Commission)

[Filed June 17, 2010, 9:56 a.m.]

Subject of Possible Rule Making: WAC 246-841-XXX, new nursing assistant rules recognizing training received by home care aides and medical assistants to apply toward nursing assistant certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESSB 6582 (chapter 169, Laws of 2010).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESSB 6582 requires the nursing care quality assurance commission to adopt rules by July 1, 2011. The intent of the bill is to provide career advancement opportunities for home care aides and medical assistants by recognizing relevant training and experience required for nursing assistants and medical assistants. The bill recognizes the federal law allowing a state-approved competency evaluation program as a federally recognized alternative to the state-approved training and competency evaluation program, and it strives to ensure there is a single competency evaluation for nursing assistants.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services and Department of Health and Human Services. The department of social and health services will be partners in the rules writing workshops. All invitations for rules writing will be sent to these agencies.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry J. West, Deputy Executive Director, Nursing Care Quality Assurance Commission, P.O. Box 47864, Olympia, WA 98504-7864, (360) 236-4712, or terry.west@doh.wa.gov, <http://www.doh.wa.gov/hsqa/Professions/Nursing/RulesInProgress.htm>. Rules writing workshops will be held using video conferencing. Notices will be sent to the nursing commission's listserv at nursing-qac@doh.wa.gov, posted to the web site above and in the commission's newsletter.

June 17, 2010

Paula R. Meyer, MSN, RN
Executive Director

WSR 10-13-102**PREPROPOSAL STATEMENT OF INQUIRY****DEPARTMENT OF HEALTH**

(Board of Osteopathic Medicine and Surgery)

[Filed June 17, 2010, 9:57 a.m.]

Subject of Possible Rule Making: Chapter 246-853 WAC (osteopathic physicians) and chapter 246-854 WAC (osteopathic physician assistants), pain management. The board of osteopathic medicine and surgery is considering amending the chapter to repeal existing pain management

sections and adopt a new section(s) for management of chronic, noncancerous pain.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2876, section 3, chapter 209, Laws of 2010, amending chapters 18.57 and 18.57A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2876, chapter 209, Laws of 2010, directs the board of osteopathic medicine and surgery to repeal existing pain management sections and adopt new rules on management of chronic, noncancerous pain. The rules must include dosing criteria, guidance on when to seek consultations with pain management specialists, tracking clinical progress, and tracking the use of opioids.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None known.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Erin Obenland, Program Manager, Washington State Department of Health, Board of Osteopathic Medicine and Surgery, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4945, fax (360) 236-2406, erin.obenland@doh.wa.gov. Interested stakeholders may join the pain management listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=WA-PAIN-MGT-PRESCRIBING-RULES&A=1>, or the board's listserv at <http://www.doh.wa.gov/hsqa/Professions/Osteopath/default.htm>. Stakeholders can participate through stakeholder meetings and provide comments on the interested parties listserv, fax, or e-mail.

June 17, 2010
Blake T. Maresh
Executive Director

WSR 10-13-103

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Podiatric Medical Board)

[Filed June 17, 2010, 9:58 a.m.]

Subject of Possible Rule Making: Chapter 246-922 WAC, Pain management. The podiatric medical board is considering amending the chapter to repeal existing pain management sections and adopt a new section(s) for management of chronic, noncancerous pain.

Statutes Authorizing the Agency to Adopt Rules on this Subject: ESHB 2876, section 1, chapter 209, Laws of 2010, amending chapter 18.22 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESHB 2876, chapter 209, Laws of 2010, directs the podiatric medical board to repeal existing pain management rules and adopt rules on management of chronic, noncancerous pain. The new rule must include dosing criteria, guidance on when to seek consultations with pain management specialists, tracking clinical progress, and tracking the use of opioids.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None known.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Erin Obenland, Program Manager, Washington State Department of Health, Podiatric Medical Board, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4945, fax (360) 236-2406, erin.obenland@doh.wa.gov. Interested stakeholders may sign up for the pain management's listserv at <http://listserv.wa.gov/cgi-bin/wa?SUBED1=WA-PAIN-MGT-PRESCRIBING-RULES&A=1>, or the board's listserv at <http://www.doh.wa.gov/hsqa/Professions/Podiatry/default.htm>. Stakeholders can participate through stakeholder meetings and provide comments on the interested parties listserv, fax or e-mail.

June 17, 2010
Blake T. Maresh
Executive Director

WSR 10-13-105

PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Order 10-04—Filed June 17, 2010, 2:44 p.m.]

Subject of Possible Rule Making: Amendment of the health insurance partnership (HIP) rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70.47A RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The main purpose of this rule making is to amend HIP rules in chapter 182-26 WAC to:

1. Align with and implement federal laws, specifically national healthcare reform legislation; and
2. Add an exception to the employer premium payment deadline.

In addition to these specific subject areas, the health care authority will conduct a full review of HIP rules and make necessary technical corrections.

Process for Developing New Rule: Stakeholder mailing and public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. If you have questions about this rule making, contact Jennifer Willms at (360) 923-2939 or at the Health Care Authority, P.O. Box 42700, Olympia, WA 98504-2700, Jennifer.Willms@hca.wa.gov.

June 17, 2010
Jason Siems
Rules Coordinator

WSR 10-13-107
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY
 (Basic Health Plan)

[Order 10-03—Filed June 18, 2010, 9:17 a.m.]

Subject of Possible Rule Making: Amending chapter 182-25 WAC to revise rules for the basic health plan and to create new rules governing the Washington health program (nonsubsidized basic health).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.47.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The health care authority (HCA) intends to clarify, simplify, and reorganize agency rules, for both subsidized basic health (BH) and the newly implemented nonsubsidized Washington health program, as well as provide clarification of the recertification process. Other changes and corrections that arise during this rule making may be incorporated as a result of federal rules promulgated to implement the Patient Protection and Affordable Care Act (national healthcare reform). In addition to these specific subject areas, the HCA will conduct a full review of BH rules and make any necessary technical corrections.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Meetings with stakeholders, stakeholder mailings, collection and review of stakeholder comments and public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Information regarding this rule making will be posted on the agency web site, http://www.hca.wa.gov/laws_rules.html, or you may contact Alyson Chase, Basic Health Communications Manager, P.O. Box 42683, Olympia, WA 98504-2683, phone (360) 923-2765, e-mail alyson.chase@hca.wa.gov.

June 18, 2010
 Jason Siems
 Rules Coordinator

WSR 10-13-108
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
 (Board of Pharmacy)

[Filed June 18, 2010, 10:35 a.m.]

Subject of Possible Rule Making: WAC 246-879-060 Unauthorized sales, the board of pharmacy (board) is considering amending the rule to allow an exception for pharmaceutical wholesalers to deliver veterinary drugs directly to livestock farmers under specific circumstances.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 246-879-060 prohibits pharmaceutical wholesalers from selling prescription drugs to a consumer. Some veterinarians prefer to work with

wholesale distributors to deliver bulk pharmaceuticals directly to livestock farmers. The board is considering allowing an exception for wholesalers to distribute bulk drugs for herds directly to livestock farmers, pursuant to an order written by a veterinarian, if the pharmaceutical is to be administered to an animal raised for the purpose of producing an agricultural product that will be sold.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Kristin Reichl, Health Systems Quality Assurance, P.O. Box 47850, Olympia, WA 98504-7850, or e-mail to kristin.reichl@doh.wa.gov, or fax (360) 236-4626. Interested persons can participate in the discussion and potential development of new rules by attending stakeholder meetings and providing comments on proposed language, which will be sent to interested persons through a listserv.

June 17, 2010
 Susan Teil Boyer
 Executive Director

WSR 10-13-111
PREPROPOSAL STATEMENT OF INQUIRY
BOARD OF
PILOTAGE COMMISSIONERS

[Filed June 19, 2010, 12:31 a.m.]

Subject of Possible Rule Making: WAC 363-116-070 Collection of fees, 363-116-360 Exempt vessels, and 363-116-300 Pilotage rates for the Puget Sound pilotage district.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 88.16 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board is seeking ways to generate operating revenue for its continued conduct of business.

- An increase in the pilot license fee is being considered. This increase could also apply to the reduced fee for inactive pilots;
- A training license fee is being considered;
- A fee increase for passenger vessel and yacht exemptions is being considered; and
- A statutory review will be pursued regarding the board's authority to adjust the training surcharge in order to support other pilot training related activities in addition to the current trainee stipend program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The board will be considering amendments to these rules and any other applicable rules for purposes of generating operating revenue. Stakeholder comments are welcome. Upon further review

and consideration of recommended revisions, a public hearing will be scheduled to consider the proposed new rules pursuant to formal notice requirements.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Peggy Larson, Administrator, Board of Pilotage Commissioners, 2901 Third Avenue, Suite 500, Seattle, WA 98121, phone (206) 515-3904, fax (206) 515-3906, LarsonP@wsdot.wa.gov, www.pilotage.wa.gov.

June 18, 2010
Peggy Larson
Administrator

WSR 10-13-115

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 21, 2010, 11:11 a.m.]

Subject of Possible Rule Making: The department is considering amendments to the quality timothy seed program, WAC 16-302-755 to add species to the list of detrimental contaminants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370(3), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been requested by the Organization of Kittitas County Timothy Hay Growers & Suppliers to amend the quality timothy program standards to include all species of silene to the list of detrimental contaminants.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: The Washington state department of agriculture staff will develop the specific rule proposal. A special committee comprised of timothy hay producers, exporters, and seed dealers will provide specific input on the proposed additions.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Fawad Shah, WSDA, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950, e-mail Fshah@agr.wa.gov.

June 18, 2010
Brad J. Avy
Assistant Director

WSR 10-13-119

PREPROPOSAL STATEMENT OF INQUIRY BEEF COMMISSION

[Filed June 22, 2010, 7:35 a.m.]

Subject of Possible Rule Making: The beef commission is considering changes to chapter 60-12 WAC to ensure con-

sistency with the federal Beef Promotion Act and clarify when assessments are to be collected.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 34.05 RCW, RCW 16.67.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To clarify the point at which assessments are collected, ensure consistency with the federal Beef Promotion Act and generally update and clarify this rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: National beef promotion and research program. The commission will apprise the national beef promotion and research program of the proposed rules and seek comment to ensure that the proposed rules are consistent with the federal Beef Promotion Act.

Process for Developing New Rule: Members of the Washington state beef commission will develop the rule proposal and will communicate with stakeholders regarding the proposal. Interested parties can participate in the public hearing/public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patti Brumbach, Washington State Beef Commission, 14240 Interurban Avenue West, #224, Seattle, WA 98168, phone (206) 444-2902, fax (206) 444-2910.

June 22, 2010
Patti Brumbach
Executive Director

WSR 10-13-120

PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed June 22, 2010, 10:12 a.m.]

Subject of Possible Rule Making: E2SSB 6696, 2010 legislative session, requires the superintendent of public instruction (OSPI) to adopt criteria for identifying the state's most "persistently lowest-achieving" Title I and Title I eligible schools and the criteria for recommending "required action districts" to the state board of education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SSB 6696, 2010 legislative session, sections 102, 103, and 113.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SSB 6696 establishes a process for identifying "persistently lowest-achieving" schools and required action districts that are to develop and implement required action plans. The proposed rules will: (1) Adopt federal criteria for identifying persistently lowest-achieving schools, (2) criteria for recommending to the state board of education that a school district be designated a required action district, and (3) establish the criteria for being released as a required action district.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agen-

cies: The state board of education has specific duties and responsibilities regarding the designation of required action districts, approval of required action plans, and other steps in the process. Representatives from OSPI, the state board of education, and the attorney general's office will work jointly in developing the rules.

Process for Developing New Rule: OSPI will hold a public hearing as required by chapter 34.05 RCW soliciting input from stakeholders and other members of the public regarding the proposed rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tonya Middling, Office of Superintendent of Public Instruction, P.O. Box 47200, Olympia, WA 98504, e-mail tonya.middling@k12.wa.us, phone (253) 571-3577, fax (253) 571-3537.

June 21, 2010
Randy Dorn
Superintendent of
Public Instruction

WSR 10-13-121

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE**

[Filed June 22, 2010, 10:15 a.m.]

Subject of Possible Rule Making: Recreational fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.047.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must amend recreational fishing rules on an annual basis to respond to fish population changes, fish and wildlife commission assignments, housekeeping needs, and conservation issues. Such amendments are designed to perpetuate fish and shellfish resources while maximizing recreational fishing opportunity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lori Preuss, WDFW Enforcement, 600 Capitol Way North, Olympia, WA 98501-1091, phone (360) 902-2930, fax (360) 902-2155, e-mail Lori.Preuss@dfw.wa.gov. Contact by August 16, 2010. Expected filing date on or after August 18, 2010.

June 22, 2010
Lori Preuss
Rules Coordinator

WSR 10-13-128

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Medicaid Purchasing Administration)

[Filed June 22, 2010, 2:50 p.m.]

Subject of Possible Rule Making: Chapter 388-531 WAC, Physician-related services and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is revising chapter 388-531 WAC and other rules as appropriate to include: (1) Coverage criteria for hysteroscopic sterilizations; and (2) requirements for who can perform and be paid for this procedure.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Wendy L. Boedigheimer, Rules Program Manager, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1306, fax (360) 586-9727, TTY (800) 848-5429, e-mail boediwl@dshs.wa.gov.

June 22, 2010
Katherine I. Vasquez
Rules Coordinator

WSR 10-13-129

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Medicaid Purchasing Administration)

[Filed June 22, 2010, 2:52 p.m.]

Subject of Possible Rule Making: WAC 388-416-0015 Certification periods for categorically needy (CN) scope of care medical assistance programs, 388-450-0215 How does the department estimate my income to determine my eligibility and benefits?, 388-505-0210 Apple health for kids programs, 388-505-0211 Premium requirements for premium-based healthcare coverage under apple health for kids, and 388-542-0020 Other rules that apply to premium-based healthcare coverage under apple health for kids.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.057, and 74.08.090; Apple Health for Kids Act (ESHB 2128); 42 U.S.C. 1305; Public Law 111-3 (Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The recent passage of the federal CHIPRA of 2009 requires the department to amend

its rules regarding newborn eligibility for medical assistance. Per clarification from the federal Centers for Medicare and Medicaid Services (CMS), CHIPRA also requires the elimination of the three-month sanction for nonpayment of the children's health insurance program (CHIP) premium, and allow for medical coverage to be reinstated for all months within the certification period when payment of the delinquent premium is made prior to the end of the certification period. This change to Washington's CHIP program will meet "continuous eligibility" as an enrollment and retention strategy as defined in CHIPRA, which will qualify Washington for the performance bonus described in CHIPRA, section 104. Recently enacted state law (ESHB 2128) changed the name of children's healthcare programs to apple health for kids.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Sullivan, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1344, fax (360) 586-9727, TTY 1-800-848-5429, e-mail kevin.sullivan@dshs.wa.gov.

June 22, 2010
Katherine I. Vasquez
Rules Coordinator

WSR 10-13-136
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed June 22, 2010, 3:51 p.m.]

Subject of Possible Rule Making: Chapters 415-103 and 415-104 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050(5).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: EHB 2519 and SHB 1679 were passed during the 2010 legislative session. Agency rules require updating for compliance with duty death and disability benefits outlined in EHB 2519 and SHB 1679.

Process for Developing New Rule: The department of retirement systems (DRS) will develop the draft rule(s) with the assistance of the attorney general's office. The public is invited and encouraged to participate, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. DRS encourages your active participation in the rule-making process. After the rule(s) is drafted, DRS will

file a copy with the office of the code reviser with a notice of proposed rule making. The notice will include the time and date of a public rules hearing. DRS will send a copy of the notice and the proposed rule(s) to everyone currently on the mailing list and anyone else who requests a copy. To request a copy or for more information on how to participate, please contact Ken Goolsby, Rules Coordinator, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, voice (360) 664-7291, TTY (360) 586-5450, fax (360) 753-5397, e-mail rules@drs.wa.gov.

June 22, 2010
Ken Goolsby
Rules Coordinator

WSR 10-13-142
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
INSURANCE COMMISSIONER

[Insurance Commissioner Matter No. R 2010-04—Filed June 23, 2010, 6:59 a.m.]

Subject of Possible Rule Making: Business continuity plans for domestic insurers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.07.205.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.07.205, enacted during the 2009 legislative session, requires the commissioner to adopt by rule the standards for domestic insurers to follow in the preparation of their business continuity plans. A business continuity plan establishes and identifies procedures so that the insurer to meet its existing obligations to policyholders in the event of a local, state, or national emergency. The commissioner will consider relevant standards adopted by the National Association of Insurance Commissioners, other states, and other regulatory authorities that regulate financial institutions in the drafting of rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Send comments to Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov. Comments due not later than July 30, 2010.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, kacys@oic.wa.gov [kacys@oic.wa.gov].

June 23, 2010
Mike Kreidler
Insurance Commissioner

WSR 10-13-146**PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF STATE AUDITOR**

[Filed June 23, 2010, 8:36 a.m.]

Subject of Possible Rule Making: Requesting public records, State Environmental Policy Act guidelines applicability, local government audit costs appeal process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.56.070, 43.21C.120, and 43.09.281.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules are being changed to comply with changes to public records laws, changes in the [state] Environmental Policy Act and to recognize changes in the state auditor's office organizational structure for processing appeals by local governments that wish to appeal their audit costs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of ecology regulates SEPA.

Process for Developing New Rule: Agency study; and respond to changes in state laws.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jan Jutte, Director of Legal Affairs, P.O. Box 40021, Olympia, WA 98504-0021, fax (360) 753-0646, phone (360) 902-0360, Juttej@sao.wa.gov.

June 23, 2010

Jan M. Jutte

Director of Legal Affairs

WSR 10-13-159**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed June 23, 2010, 8:36 a.m.]

Subject of Possible Rule Making: Chapter 16-610 WAC, Livestock brand inspection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapters 16.57, 16.58, 16.65, and 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: During the 2010 legislative session, the ability to provide self-inspection for transactions of twenty-five head or less of cattle was removed from statute effective June 10, 2010. In addition, a \$25.00 fee was established for the issuance of replacement copies of brand inspection documents. The Washington state department of agriculture (WSDA) will be proposing rule making to align the rule with the adopted legislation and to define processes to administer these changes. Also, housekeeping amendments will be proposed to bring the rules up-to-date with current inspection practices.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: WSDA staff will develop the rule proposal with the help of industry input. Interested parties will be given the opportunity to participate during the public hearing and public comment process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lynn Briscoe, Program Manager, Livestock Brand Inspection Program, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1987, fax (360) 902-2087, e-mail lbriscoe@agr.wa.gov.

June 23, 2010

Leonard E. Eldridge, DVM

State Veterinarian

WSR 10-13-161**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Docket UE-100865—Filed June 23, 2010, 8:42 a.m.]

Subject of Possible Rule Making: The subject of this inquiry is to consider the development of proposed rules to implement statutory changes in RCW 80.80.010, 80.80.040 and 80.80.060, enacted in the state of Washington's 2009 regular legislative session.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 80.04.160, and 80.80.060(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On April 20, 2009, and May 11, 2009, respectively, the governor signed SB 5989, chapter 147, Laws of 2009, and HB 2129, chapter 448, Laws of 2009, with the common title "greenhouse gas emissions performance standard." Both bills became effective July 26, 2009.

SB 5989 amends RCW 80.80.060.

HB 2129 amends RCW 80.80.010, 80.80.040, 80.80.060, and 80.80.070.

This rule making considers revisions to chapter 480-100 WAC to reflect the changes to chapter 80.80 RCW included in SB 5989, and HB 2129.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and the commission will ask for initial written comments on draft rules included in this preproposal statement of inquiry, and will provide the opportunity to comment on proposed CR-102 rules prior to adoption.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested persons may file comments with the executive director and secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, phone (360) 664-1174, fax (360) 586-1150, by 5:00 p.m., Monday, July 26, 2010.

WRITTEN COMMENTS: Written comments may be submitted to the commission at the address given above and should be filed with the commission no later than **July 26, 2010**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need

for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the commission's web portal at www.utc.wa.gov/e-filing or by e-mail to the commission's records center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (UE-100865).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 1/2 inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's web site all comments that are provided in electronic format. The web site is located at www.wutc.wa.gov/100865. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rule making, including comments, will be posted on the commission's web site as it becomes available. If you wish to receive further information on this rule making you may (1) call the commission's records center at (360) 664-1234, (2) e-mail the commission at records@utc.wa.gov, or (3) mail written comments to the address above to the attention of David W. Danner, executive director and secretary. When contacting the commission, please refer to Docket UE-100865 to ensure that you are placed on the appropriate service list. Questions may be addressed to Danny Kermode, (360) 664-1253, or e-mail at dkermode@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULE MAKING—The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rule making, please advise the records center by any one of the following methods: (1) Send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UE-100865, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UE-100865, and the words "Please keep me on the mailing list" to records@utc.wa.gov. Please note that all information in the mailings will be accessible through the commission's internet web site at <http://www.utc.wa.gov/100865>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULE MAKING.**

June 23, 2010

David W. Danner
Executive Director and Secretary

Docket UE-100865 Discussion Draft

AMENDATORY SECTION [(Amending Docket UE-080111, General Order R-553, filed 11/14/08, effective 12/15/08)]

WAC 480-100-405 Electrical company generation resource compliance with the greenhouse gases gas emissions performance standard. (1) No electrical company may enter into a long-term financial commitment after June 30, 2008, for the supply of baseload generation unless such generation complies with the greenhouse gases gas emissions performance. Electrical companies bear the burden to prove compliance with the greenhouse gases gas emissions performance standard under the requirements of WAC 480-100-415 or as part of a general rate case. For electrical companies that fail to carry their burden of proof, the commission may disallow recovery of some or all costs in rates, impose penalties, or take such other action as is consistent with law. Electrical companies seeking to prove compliance with the greenhouse gases gas emissions standard as part of a general rate case must submit all of the information specified in WAC 480-100-415.

(2) The following definitions apply for purposes of this section, WAC 480-100-415, 480-100-425, and 480-100-435:

(a) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(b) "Electricity from unspecified sources" means electricity that is to be delivered in Washington pursuant to a long-term financial commitment entered into by an electrical company and whose sources or origins of generation and expected average annual deliveries cannot be ascertained with reasonable certainty.

(c) "Greenhouse gases gas emissions performance standard" means the standard established in RCW 80.80.040, WAC 173-407-120 and 173-407-130, and the verification and measurement procedures contained in WAC 173-407-140, 173-407-230, and 173-407-300.

(d) "Long-term financial commitment" means either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or a new or renewed contract for baseload electric generation with a term of five or more years for provision of retail power or wholesale power to end-use customers in this state. This definition does not include any long-term financial commitment with the Bonneville power administration.

(e) "New ownership interest" means a change in the ownership structure of a baseload power plant or a cogeneration facility or the electrical generation portion of a cogeneration facility affecting at least:

(i) Five percent of the market value of the power plant or cogeneration facility; or

(ii) Five percent of the electrical output of the power plant or cogeneration facility.

The above thresholds apply to each unit within a multi-unit generation facility. A direct or indirect change in ownership of an electrical company does not constitute a new ownership interest in baseload electric generation.

(f) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt hours.

(g) "Power plant" means a facility for the generation of electricity that is permitted as a single plant by the energy facility site evaluation council or a local jurisdiction, a jurisdiction inside or outside the state.

(h) "State" means the State of Washington.

(~~h~~i) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility or unit. Upgrade does not include:

- (i) Routine or necessary maintenance;
- (ii) Installation of emission control equipment;
- (~~iii~~iv) Installation, replacement, or modification of equipment that improves the heat rate of the facility; or
- (iv) Installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in existing generation air quality permits as of July 22, 2007, but may result in incidental increases in generation capacity.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION [(Amending Docket UE-080111, General Order R-553, filed 11/14/08, effective 12/15/08)]

WAC 480-100-415 Electrical company applications for commission determination outside of a general rate case of electric generation resource compliance with greenhouse gas emissions performance standard. (1) An electrical company may apply for determination by the commission outside of a general rate case of whether an electric generation resource it proposes to acquire as a long-term financial commitment complies with the greenhouse ~~gases~~ gas emissions performance standard, including whether the resource is baseload electric generation, ~~whether the company has a need for the resource, and whether the proposed resource is appropriate to meet that need. Such an application must include the following information: No such application may be made if the long-term financial commitment includes more than twelve percent of electricity from unspecified sources.~~

(2) If an electrical company submits an application under this section regarding ~~if~~ a long-term financial commitment with that includes twelve percent or less of electricity from unspecified sources that multiple power plants, each power plant will be considered individually in determining:

- (a) Annualized plant capacity factor;
- (b) Net emissions;

(c) Compliance with RCW 80.80.040(1) except as provided in RCW 80.80.040(3), 80.80.040(4), and 80.80.040(5).

(3) Any application under this section must include the following information:

~~(a) The electrical company's most recent integrated resource plan filed under WAC 480-100-238 and a description of how the proposed electric generation resource meets the resource need, resource investment strategies and other factors identified in the integrated resource plan.~~

~~(b) If the proposed electric generation resource is a specific power plant located in the state:~~

~~(i) The plant technology, design, fuel and fuel consumption;~~

~~(ii) Any site certificate or other permits necessary for operation of the power plant, including, ~~for power plants located in Washington,~~ any determination made by the department of ecology or the energy facility site evaluation council regarding compliance with the greenhouse ~~gases~~ gas emissions performance standard;~~

~~(iii) Such other information as is available concerning the exhaust emissions characteristics of the including total annual pounds of greenhouse gas from each power plant; and~~

~~(iv) The expected cost of the power generation to be acquired from the plant.~~

(b) If the proposed electric generation resource is a specific power plant located outside the state:

(i) The plant technology, design, fuel and fuel consumption;

(ii) Any site certificate or other permits necessary for operation of the power plant;

(iii) Such other information as is available concerning the exhaust emissions characteristics of the plant including total annual pounds of greenhouse gas from each power plant.

(iv) Documentation of emissions verifications and measurement procedures which show consistency with the state's emissions performance standard.

(c) If the proposed electric generation resource is a power purchase contract including contracts for delivery of electricity from unspecified sources:

(i) The proposed contract;

(ii) The technology, location, design, fuel and fuel consumption of any power plant, or plants, identified in the contract as the source of the contracted power deliveries, including such information as is knowable regarding the proportionate share each power source, or type of plant, will contribute to deliveries on an annual basis over the life of the contract;

(iii) Such other information as is available concerning the exhaust emissions characteristics of the plant(s) supporting contracted power deliveries; and including total annual pounds of greenhouse gas from each power plant.

(iv) The contract term and expected cost of the power to be acquired through the power purchase agreement.

(24) The commission will may consider the application pursuant to chapter 34.05 RCW (Part IV) following the procedures established in chapter 480-07 WAC, but the commission. The schedule for a proceeding under this subsection will take into account both:

~~(a) The needs of the parties to the proposed resource acquisition or power purchase agreement for timely decisions that allow transactions to be completed; and~~

~~(b) The procedural rights to be provided to parties in chapter 34.05 RCW (Part IV), including intervention, discovery, briefing, and hearing.~~

~~(3) The commission will not decide in any application proceeding under this section, issues involving the actual costs to construct and operate the selected resource, cost recovery, or other issues reserved by the commission for decision in a general rate case or other proceeding authorized by the commission for recovery of the resource or contract costs.~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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AMENDATORY SECTION [(Amending Docket UE-080111, General Order R-553, filed 11/14/08, effective 12/15/08)]

WAC 480-100-425 Electrical company applications for exemption from the greenhouse gas emissions performance standard. (1) An electrical company may apply to the commission for a case-by-case exemption from the greenhouse ~~gases~~ gas emissions performance standard to address:

(a) Unanticipated electric system reliability needs; or
 (b) Extraordinary cost impacts on utility ratepayers; or
 (c) Catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(2) An electrical company's application under subsection (1)(a) of this section must include:

(a) A description of the electric system reliability needs including an explanation of why these needs were not anticipated, and why they cannot be addressed with other baseload electric generation that complies with the greenhouse ~~gases~~ gas performance standard.

(b) The estimated duration of the exemption necessary to address the reliability need.

(c) A description of any long-term financial commitment the company proposes to enter into to address the reliability need including all of the information specified in WAC 480-100-415.

(3) An application under subsection (1)(b) of this section must include:

(a) Identification of the long-term financial commitment that will result in extraordinary costs to ratepayers.

(b) Criteria used by the applicant to judge cost as extraordinary.

(c) A description of the extraordinary cost including:

(i) Total system, jurisdictional and per-customer cost impact.

(ii) Company proposed alternatives, if any, to address the extraordinary costs.

(ii) The estimated duration of the exemption necessary to address the extraordinary cost impact.

(34) An electrical company's application under subsection (1)(~~bc~~) of this section must include:

(a) A description of the catastrophic event or threat of significant financial harm and an explanation of why the circumstances from which the event or harm arose were not foreseen including:

(i) An explanation of why the circumstances cannot be addressed with baseload generation that complies with the greenhouse ~~gases~~ gas performance standard;

(ii) What the anticipated negative financial impact would be to the company if such exemption were denied;

(b) The estimated duration of the exemption necessary to address the catastrophic event or threat of significant financial harm.

(c) A description of any long-term financial commitment the company proposes to enter into to address the catastrophic event or threat of significant financial harm including all of the information specified in WAC 480-100-415.

(45) An electrical company may propose recovery of costs associated with an application under this rule as part of a general rate case.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION [(Amending Docket UE-080111, General Order R-553, filed 11/14/08, effective 12/15/08)]

WAC 480-100-435 Electrical company deferral of costs associated with long-term financial commitments— Notice and reporting. (1) An electrical company may account for and defer for later consideration by the commission costs incurred in connection with a long-term financial commitment for:

(a) baseload Baseload electric generation, or

(b) An eligible renewable resource as defined in RCW 19.285.030 that the electrical company owns or has entered a power purchase agreement for with a term of five or more years.

(2) Deferred costs may include~~ing~~ operating and maintenance costs, depreciation, taxes, and cost of invested capital.

(23) An electrical company deferring costs under subsection (1) of this section must:

(a) Notify the commission within ten business days of its intent to defer such costs; and

(b) File quarterly with the commission a report documenting the balances of costs deferred in a form specified by the commission.

(34) The deferral begins with the date on which the power plant begins commercial operation or the effective date of the power purchase agreement and continues for a period not to exceed twenty-four months; provided that if during such period the company files a general rate case or other proceeding for the recovery of such costs, deferral ends on the effective date of the final decision by the commission in such proceeding. Creation of such a deferral account does

not by itself determine the actual costs of the long-term financial commitment, whether recovery of any or all of these costs is appropriate, or other issues to be decided by the commission in a general rate case or other proceeding authorized by the commission for recovery of these costs.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 10-13-165

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LABOR AND INDUSTRIES

[Filed June 23, 2010, 8:54 a.m.]

Subject of Possible Rule Making: WAC 296-23-317 and 296-23-337, both pertaining to independent medical examination providers.

Purpose: We are changing our recently revised language to specifically address requirements for general dentistry providers who apply to be approved independent medical examiners. Also we will make some changes to make the language of both sections clearer.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 51.04.020, 51.04.030, 51.32.055, 51.32.112, 51.32.114, 51.36.060, and 51.36.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Our rules require board certification for providers to perform independent medical exams. This applies to all medical, osteopathic, and podiatric physicians as well as dentists. Because only dentists with specialties are board certified, we must change the rules to allow those in general dentistry to remain on the approved examiner list.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Labor and industries will begin the rule development process and will share the draft proposal with stakeholders and other interested parties, including the workers' compensation advisory committee. Public hearings will be held after the proposal is filed.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A notification will be mailed to all IME providers alerting them to the rule making and encouraging them to sign up for the IME listserv. Updates will be published at the listserv site. Providers who wish to be added to the listserv can do so through this link <http://www.lni.wa.gov/Main/List-servs/IME.asp>.

Meetings will be held with business and labor representatives and small groups representing IME firms and providers. Feedback from providers is encouraged through the listserv or contacting Anita L. Austin, Health Services Analysis, P.O. Box 44322, Olympia, WA 98404-4322 [98504-4322],

phone (360) 902-6825, fax (360) 902-4249, e-mail sund235@lni.wa.gov.

June 23, 2010
Judy Schurke
Director

WSR 10-13-168

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF AGRICULTURE

[Filed June 23, 2010, 9:01 a.m.]

Subject of Possible Rule Making: WAC 16-302-685, the department is considering amending seed certification rules to set standards for the allowance of triticale seed as a contaminate in the certified class of certified wheat seed and to provide for the provision of and set limits for the reinspection of certified wheat fields.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.310, 15.49.370 (3), (4), and chapter 34.05 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department has been requested by the Washington State Crop Improvement Association (WSCIA) to amend seed certification standards to allow for triticale seed to be a limited contaminate in certified wheat seed and to provide for reinspections of certified wheat fields when triticale is found as a contaminate.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Washington state department of agriculture staff will develop the specific rule proposal. The proposed language and rule amendments will be presented to the WSCIA, state seed organizations and individual seed company representatives to solicit input and ensure broad based notification.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Fawad Shah, WSDA, Seed Program, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, (509) 249-6950, e-mail Fshah@agr.wa.gov.

June 23, 2010
Brad J. Avy
Assistant Director

WSR 10-13-174

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

(Board of Pharmacy)

[Filed June 23, 2010, 9:39 a.m.]

Subject of Possible Rule Making: Chapter 246-889 WAC, Pharmaceutical—Precursor substance control, the board of pharmacy (board) is proposing to create new sections and amend WAC 246-889-070 through 246-889-110 as necessary to adopt procedures and enforceable standards for

a statewide electronic sales tracking system for nonprescription sales of ephedrine (EPH), pseudoephedrine (PSE), and phenylpropanolamine (PPA).

Statutes Authorizing the Agency to Adopt Rules on this Subject: E2SHB 2961, chapter 182, Laws of 2010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: E2SHB 2961 requires the board to adopt rules to implement a real-time electronic stop-sale tracking system of nonprescription products containing any detectable quantity of EPH, PSE, or PPA. The board will enter into a public-private partnership to provide the tracking system to required entities. Rules will establish criteria and duration of exemptions from participation in the electronic stop-sale tracking program; institute safeguards to protect purchasers' privacy, and update product purchase limits to comply with the law. Rules are needed to implement the law and establish the tracking system to reduce the impact of methamphetamine on public health and safety.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The board of pharmacy will coordinate participation with law enforcement, Washington State Sheriffs and Police Chiefs (WASPC), and the federal Drug Enforcement Administration (DEA). Law enforcement and WASPC monitor and enforce against the criminal activities associated with the illegal purchase of products used in methamphetamine production, for which the rules will regulate. All parties will be invited to participate in the rule/stakeholder process.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Parties interested in participating and receiving additional information regarding the development of rules in this matter may join an interested parties list. Please send your email request to the Department of Health, Board of Pharmacy, P.O. Box 47863, Olympia, WA 98504, by fax to (360) 236-2901 or via e-mail to wsbop@doh.wa.gov. If you have any questions, please contact Doreen Beebe at (360) 236-4834.

June 22, 2010
Susan Teil Boyer
Executive Director

new legislation. The rules need to be updated to include the requirements established by the bill, including approved exams and didactic and clinical courses in East Asian medicine and patient waiver requirements. The rules will also be reviewed for general housekeeping changes and clarifications, including changing the reference of certification to license, and clarifying the inactive status requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may request to receive notices of rule development workshops and other rule making activities or send comments by contacting Department of Health, Acupuncture Program, Vicki Brown, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4865, fax (360) 236-2901, vicki.brown@doh.wa.gov.

June 22, 2010
Mary C. Selecky
Secretary

WSR 10-13-175

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF HEALTH

[Filed June 23, 2010, 9:44 a.m.]

Subject of Possible Rule Making: Chapter 246-802 WAC, amending acupuncturists rules to reflect new East Asian medicine practitioner law.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 18.06 RCW, SSB 6280 (chapter 286, Laws of 2010).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SSB 6280 (chapter 286, Laws of 2010) passed during the 2010 legislative session. Rule making is necessary to align the current rules with the